

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA  
WESTERN DIVISION

11 SHANE L. PITMAN, ) No. CV 08-06161-DSF (VBK)  
12 Petitioner, )  
13 v. ) ORDER (1) ACCEPTING AND ADOPTING  
14 T. FELKER, ) THE REPORT AND RECOMMENDATION OF  
15 Respondent. ) THE UNITED STATES MAGISTRATE  
 ) JUDGE, AND (2) DISMISSING THE  
 ) PETITION FOR WRIT OF HABEAS  
 ) CORPUS  
 )  
 )

17 Pursuant to 28 U.S.C. §636, the Court has made a de novo review  
18 of the Petition for Writ of Habeas Corpus ("Petition"), Respondent's  
19 Motion to Dismiss, Petitioner's Opposition to the Motion to Dismiss,  
20 all of the records herein and the Report and Recommendation of the  
21 United States Magistrate Judge ("Report").

22           **IT IS ORDERED** that: (1) the Court accepts and adopts the Report  
23 and Recommendation, except as follows:

24 p. 3, ln. 20: "(1)" should read "(2)";

25 p. 11, ln. 17: the citation should read "Baker v. State of  
26 California, 2000 WL 74071 at \*1 n.1 (N.D. Cal. 2000)";

27 p. 12, ln. 15: the citation should read "Duncan v. Walker, 533  
28 U.S. 167, 168 (2001)";

1       p.12, ln. 18: "habeas was filed" should read "habeas petition is  
2 filed";

3       p. 12, ln. 20: "(9th Cir. )" should read "(9th Cir. 1999)";

4       p. 14, ln. 2: The case name is Pace v. DiGuglielmo;

5 (2) Respondent's Motion to Dismiss is **GRANTED**, and (3) Judgment be  
6 entered dismissing the Petition with prejudice.

7                   8/10/09

*Dale S. Fischer*

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DALE S. FISCHER  
UNITED STATES DISTRICT JUDGE